

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

AUG 18 2005

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RICHARD SPITZ,
HELGA UEBBING, DOERTE EIMERS-KLOSE, FRANZ LAERMER
and
ANDREA SCHILP

Application 09/720,720

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on July 12, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith electronically returned to the examiner. The matters requiring attention prior to docketing are identified below.

An examination of the Image File Wrapper (IFW) reveals that an Information Disclosure Statement (IDS) was filed December 28, 2000. It is not apparent from the record whether the examiner considered the statement submitted or notified appellants of why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98. A communication notifying appellants of the examiner's decision is required.

Accordingly, it is

ORDERED that the application is returned to the examiner:

1. for consideration of the IDS filed December 28, 2000 and appropriate notification to appellants regarding the examiner's decision; and
2. for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

CRAIG R. FEINBERG
Program and Resource Administrator
(571) 272-9797

CRF/psb

Application 09/720,720

Kenyon & Kenyon
One Broadway
New York, NY 10004